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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,936	12/05/2001	Herman Chien	6541-59286	9281

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EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,936	Applicant(s) CHIEN, HERMAN	
	Examiner Matthew C. Sams	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8 and 10-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zillikens et al. (US-6,813,503 hereinafter, Zillikens).

Regarding claim 1, Zillikens teaches a communications device (Fig. 1 [1]) comprising a register configured to store a user identifier and a transmitter configured to transmit the user identifier to the network. (Col. 8 lines 58-62)

Regarding claim 2, Zillikens teaches a communications device (Fig. 1 [1]) comprises a register configured to store a device identifier and a transmitter configured to transmit the identifier to the network. (Col. 8 lines 58-62)

Regarding claim 3, Zillikens teaches a communications device (Fig. 1 [1]) comprises a processor that is commanded by a user input interface. (Fig. 2 [2 & 18])

Regarding claim 5, Zillikens teaches a communications device (Fig. 1 [1]) with a processor configured to encrypt one of the device identifier and the user identifier before transmission to the communications network. (Col. 7 lines 32-35)

Regarding claim 6, the limitations of claim 6 are rejected as the same reason set forth in claim 3.

Regarding claim 7, Zillikens teaches a cell phone (Fig. 1 [1]), a display for data and commands (Fig. 1 & 2 [3]), a user input interface for data entry and command entry (Fig. 1 & 2 [2]), a subscriber identity module that has a user identifier (Fig. 2 [16]) and a transmitter configured to transmit the user identity (Fig. 2 [19]). (Col. 8 lines 46-64)

Regarding claim 8, Zillikens teaches a cell phone (Fig. 1 [1]) with memory (Fig. 2 [16, 17a & 17b]) for storing a device identifier. Zillikens teaches a transmitter (Fig. 2 [19]) for transmitting the device identifier. (Col. 8 lines 46-64)

Regarding claim 10, Zillikens teaches a content provider (Fig. 1 [1]) that is configured to communicate with one or more mobile stations. (Col. 2 lines 61-67) Zillikens teaches of content personalization interface that will receive an anonymous user identifier from at least one of the mobile stations. (Col. 3 lines 13-29)

Regarding claim 11, Zillikens teaches a content provider (Fig. 1 [1]) with a processor (Fig. 2 [18]) that is set to deliver content to the mobile station based on the anonymous user identifier. (Col. 8 lines 46-64)

Regarding claim 12, Zillikens teaches a subscriber identity module (Fig. 2 [16]) for a wireless network with memory (Fig. 2 [17a & 17b]) configured to retain the SIM identifier and a processor (Fig. 2 [18]) configured to supply the SIM identifier to a communications device (Fig. 1 [1]). (Col. 8 lines 46-64)

Regarding claim 13, Zillikens teaches a processor that provides a hash of the SIM identifier to the communication device. (Col. 7 lines 32-35)

Regarding claim 14, Zillikens teaches a content provider (Fig. 1 [1]) comprising a personalization interface configured to receive anonymous data and a processor (Fig. 2

[18]) configured to provide content to a user based on anonymous personalization data.
(Col. 3 lines 13-29)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zillikens and Zalewski et al. (US-6,771,981 hereinafter, Zalewski).

Regarding claim 4, Zillikens teaches a communications device (Fig. 1 [1]) comprises a subscriber identity module (Fig. 2 [16]) that stores a user identifier. (Col. 8 lines 46-64) Zillikens differs from the claimed invention in failing to mention the user identifier is associated with a serial number stored on the subscriber identity module. However, Zalewski teaches a user identity associated with a serial number (PIN). (Col. 1 lines 50-55) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the PIN of Zalewski with the communications device of Zillikens. One of ordinary skill in the art would have been motivated to do this since the PIN must be given by the user in order prevent unauthorized use of the communications device.

Regarding claim 9, the limitations of claim 9 are rejected as the same reason set forth in claim 4.

5. Claims 15-19, 21-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zillikens and Olgaard et al. (US-6,542,740 hereinafter, Olgaard).

Regarding claim 15, Zillikens teaches a content provider, but differs from the claimed invention by not mentioning a database configured to store personalization data. However, Olgaard teaches a content provider (Fig. 1 [102]) with a database configured to store personalization data. (Col. 4 lines 49-52) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the database of personalization data of Olgaard into the content provider of Zillikens. One of ordinary skill in the art would have been motivated to do this since having a central database allows a user to log into the system from any content provider and still have the same settings since they are stored on the central database.

Regarding claim 16, Olgaard teaches of using HTTP as a communication protocol. (Col. 17 lines 31-55)

Regarding claim 17, Olgaard teaches a personalization interface configured to receive anonymous personalization data that includes a device identifier. (Col. 3 lines 33-64) Olgaard teaches the processor provides device specific content based upon the device identifier. (Col. 3 lines 7-14)

Regarding claim 18, Olgaard teaches a personalization interface configured to receive anonymous personalization data from the mobile station. (Col. 11 lines 21-24)

Regarding claim 19, Olgaard teaches a personalization interface configured to receive user identification from a subscriber identification module. (Col. 11 lines 29-45)

Regarding claim 21, Olgaard teaches a method of providing personalized content in a wireless network by selecting an anonymous user identifier and providing content based on the user identifier. (Col. 3 lines 15-64)

Regarding claim 22, Olgaard teaches a user identifier is selected based on the subscriber identity module. (Col. 11 lines 29-45)

Regarding claim 23, Olgaard teaches selecting a device identifier. (Col. 3 lines 33-64)

Regarding claim 25, the limitations of claim 25 are rejected as the same reason set forth in claim 21.

Regarding claim 26, Olgaard teaches of selecting an anonymous user identifier based on a subscriber identification module. (Col. 11 lines 29-45)

6. Claim 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zillikens and Olgaard as applied to claim 19 above, and further in view of Zalewski.

Regarding claim 20, Zillikens and Olgaard teach the limitations of claim 19, but differ from the claimed invention in failing to mention the user identifier is a subscriber identification module serial number. However, Zalewski teaches a user identifier is a subscriber identification module serial number (PIN). (Col. 1 lines 50-55) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the PIN of Zalewski with the content provider of Zillikens and Olgaard. One of ordinary skill in the art would have been motivated to do this since the PIN must be given by the user in order prevent unauthorized use of the communications device.

Regarding claim 24, Zalewski teaches of keeping a database of user profiles and selecting content based upon the user profile. (Col. 17 lines 42-67)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
12/30/2004


GEORGE ENG
PRIMARY EXAMINER